

# HOUSE . . . . . No. 532

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By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr. and others relative to the definition of “regular compensation”, in the public employee retirement law. Public Service.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Bradley H. Jones, Jr.	Susan W. Pope
Mary S. Rogeness	Susan Williams Gifford
George N. Peterson, Jr.	Robert S. Hargraves
John A. Lepper	Daniel K. Webster
Viriato Manuel deMacedo	Shirley Gomes
Elizabeth A. Poirier	Michael J. Coppola
Donald F. Humason, Jr.	Richard J. Ross

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In the Year Two Thousand and Five.

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### AN ACT CHANGING THE DEFINITION OF REGULAR COMPENSATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 1 of said chapter 32, as so appearing in the 2002 Offi-  
2 cial Edition, is hereby amended by inserting at the end of the first  
3 paragraph of the definition of “Regular compensation” the  
4 following paragraph:—  
5 “Regular compensation,” during any period subsequent to  
6 June 30, 2005, shall mean the salary or wages, including differen-  
7 tial payments for shifts, training, education, certification, and  
8 longevity, lawfully determined for the individual service of the  
9 employee by the employing authority. Such amounts shall not  
10 include, without limitation, bonus, overtime, evaluated mainte-  
11 nance, cash or non-cash allowances for specified purposes, such  
12 as housing, transportation, travel, and clothing, whether or not  
13 receipt of such an allowance requires evidence of expenditure for  
14 such purpose, premiums paid by any governmental unit for the  
15 purchase of an individual or group annuity contract as authorized

16 by section 18A of chapter 15 or section 37B of chapter 71, sever-  
17 ance pay for any and all unused sick leave, early retirement incen-  
18 tives, or any other payments made as a result of giving notice of  
19 retirement. "Regular compensation" shall include any part of such  
20 salary or wages derived from federal grants except as provided in  
21 clause (xi) of paragraph (a) of subdivision (2) of section 3; pro-  
22 vided, that salary or wages payable in the form of cost of living  
23 bonuses and cost of living pay adjustments shall be included in  
24 regular compensation. In the case of a teacher employed in a  
25 public day school who is a member of the teachers' retirement  
26 system, salary payable under the terms of an annual contract for  
27 additional services in such a school and also compensation for  
28 services rendered by said teacher in connection with a school  
29 lunch program or for services in connection with a program of  
30 instruction of physical education and athletic contests as autho-  
31 rized by section 47 of chapter 71 shall be regarded as regular com-  
32 pensation rather than as bonus or overtime and shall be included  
33 in the salary on which deductions are to be paid to the annuity  
34 savings fund of the teachers' retirement system. In the case of  
35 police officers, firefighters and employees of a municipal depart-  
36 ment who are employed as fire alarm signal operators or signal  
37 maintenance repairmen, money paid for holidays shall be regarded  
38 as regular compensation rather than as overtime and shall be  
39 included in the salary on which deductions are to be paid to the  
40 annuity savings fund. Regular compensation shall also mean  
41 salary or wages received by any member having made the election  
42 provided for in section 90G½ or section 90G¾ and serving after  
43 age 70 pursuant to sections 90F, 90G or 90H.